THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.15025 of 2005

Date: 10th December, 2007

Between :-

Jagati Rajalingam .. Petitioner

And

The Union of India,
Rep. by its General Manager,
South Central Railway,
Rail Nilayam, Secunderabad and another .. Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.15025 of 2005

ORDER:-

Heard the Counsel.

2. The Writ Petition is filed for a Writ of Mandamus directing the respondents to pay compensation and other benefits as provided under Land Acquisition Act to the petitioner for acquiring his land to the extent of 75 cents in Sy.No.98 and 90 cents in Sy.No.112, total 1-65 cents situated at Kannala village, Gram Panchayat Kannala, Bellampally Mandal, Adilabad District, for construction of

Railway Over Bridge, and, declare the action of respondents in acquiring the land of petitioner without due process of law is illegal, arbitrary and violative of Articles 14, 31 and 300-A of the Constitution of India and contrary to the provisions of Land Acquisition Act and pass such other suitable orders.

3. Several facts had been narrated in the affidavit filed in support of the Writ Petition.

4. In the counter affidavit filed by the 2nd respondent, several factual details had been narrated and specific stand had been taken that the petitioner is not having any land in Sy.No.98 and 112 as alleged by him and more over, he has not been assigned any Government land in Sy.No.98 to resume for the purpose, as such the question of payment of compensation does not arise. Several other facts had been narrated on the strength of the records.

5. However, the Counsel for writ petitioner had pointed out to the Pattedar Pass Book issued to the petitioner and also the Pahani Patrikas in relation to the subject matter of the controversy. It is needless to say that the Writ Court cannot go into these factual controversies. But, however, in the light of the facts and circumstances and also the material produced before trial

Court - the Pattedar Pass Book and also the Pahani Patrikas, let the 2nd respondent verify and take appropriate decision in this regard, within a period of eight weeks from the date of receipt of a copy of this order. Except making this direction, no other positive relief can be granted in this Writ Petition.

6. The Writ Petition is disposed of accordingly. No order as to costs.

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Justice P.S.Narayana

10th December, 2007

smr